

EXHIBIT B

6:19-CV-220

CITATION-GENERAL

CITATION

THE STATE OF TEXAS:

COUNTY OF CORYELL

CAUSE NO. DC-19-49391

**TO: WAL-MART STORES INC.
C/O: C.T CORP. SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TX 75201**

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the Honorable 440TH JUDICIAL DISTRICT COURT of Coryell County, Texas, to be held at the Courthouse in said County in the City of Gatesville, Coryell County, Texas, by filing a written answer to the petition of plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number DC-19-49391 styled:

WILLIAMS, NYLONDRALISHANETTE

VS.

WAL-MART STORES INC.

filed in said court on the 20th day of February, 2019.

The name and address of the attorney for plaintiff, or the address of the plaintiff is:

**JAMES JOSHUA COLLUM
2900 NORTH LOOP WEST
HOUSTON, TX 77092**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after the date you were served this citation and petition, a default judgment may be taken against you."

WITNESS, Becky Moore, District Clerk of the 440TH JUDICIAL DISTRICT COURT of Coryell County, Texas.

Issued and given under my hand and seal of said Court at office, this the 20th day of February, 2019.

Becky Moore, District Clerk
Coryell County, Texas
P.O. Box 4 Gatesville, Texas 76528

By 
MAGGIE BLESSINGAME, DEPUTY

DC-19-49391

CAUSE NO. _____

NYLONDRALISHANETTE
WILLIAMS

Plaintiff,

v.

WAL-MART STORES INC.

Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

CORYELL COUNTY, TEXAS

440TH

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Nylandralishanette Williams ("*Plaintiff*") files this Original Petition against Defendant Wal-Mart Stores Inc. ("*Defendant*").

DISCOVERY LEVEL 2

1. Pursuant to Rules 190.1 and 190.2 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under Discovery Control Plan Level 2.

PARTIES

2. Plaintiff is an individual residing in Bell County, Texas. Plaintiff may be served through the undersigned counsel.

3. Defendant is a foreign corporation doing business in Texas and may be served through its registered agent, C T Corporation System at 1999 Bryan street, suite 900 Dallas, Texas 75201. Plaintiff requests issuance of citation to Defendant.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because the amount-in-controversy is within the jurisdictional limits of this Court. Plaintiff seeks monetary relief of more than \$200,000

but less than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees. Further, Defendant does substantial business in Texas and is subject to the Court's general and specific jurisdiction.

5. Venue is appropriate in Coryell County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code Section 15.002(a)(1) because all or a substantial part of the events giving rise to the claim occurred in Coryell County, Texas.

FACTUAL BACKGROUND

6. On or about July 16, 2018, Plaintiff was shopping at Defendant's premises located at 2720 E U.S. 190, Copperas Cove, Texas 76522.

7. Plaintiff slipped and fell due to a puddle which had accumulated on the floor in the beverage aisle. Upon information and belief, the puddle accumulated due to a leaking air duct.

8. A store manager told Plaintiff that Defendant knew of the leaking air duct, and that the leak had been a recurring issue.

9. Plaintiff's fall resulted in serious injury, caused her physical pain, and forced her to incur significant expenses in medical care and treatment for injuries to her head, back, and other parts of her body. Additionally, Plaintiff suffered and continues to suffer mental anguish.

CAUSES OF ACTION

Negligence

10. Plaintiff hereby incorporates by reference all paragraphs in this Petition.

11. Defendant is liable under the doctrine of *respondeat superior* for the acts and omissions of its agents, servants, employees, and statutory employees and agents, including

the janitorial staff, security, maintenance staff, or any other staff member in charge of keeping the premises clean and safe for customers.

12. The acts and/or omissions committed by Defendant's agents, servants, and/or employees were performed during the course and scope of their employment with Defendant, which proximately caused the damages pled herein.

13. Defendant owed Plaintiff a duty of ordinary care in maintaining a safe environment, including a responsibility to inspect and make safe any dangerous condition or give adequate warning of any hazardous conditions.

14. Defendant's agents or employees knew or should have known of the dangerous conditions on the premises which was in their control at the time of the incident in question.

15. Defendant breached their duty of ordinary care and are liable to Plaintiff for negligence by:

- a. Failing to adequately warn Plaintiff of the leaking ceiling;
- b. Failing to adequately warn Plaintiff of the wet and slippery floor;
- c. Failing to adequately warn Plaintiff about the puddle on the floor created by the leak;
- d. Failing to make the leaking ceiling reasonably safe;
- e. Failing to make the wet floor reasonably safe;
- f. Failing to care for the premises in a reasonable manner;
- g. Creating the dangerous condition; and
- h. Other acts deemed negligent.

16. Each and all of the above and foregoing acts, both of omission and commission, singularly or in combination with others, constituted negligence, which proximately caused the occurrence made the basis of this suit and Plaintiff's injuries and damages.

DAMAGES

17. Plaintiff's damages include, *inter alia*, injuries to her head, neck, back, and other parts of her body which resulted in severe pain, physical impairment, discomfort, mental anguish, distress, and other medical problems.

18. Plaintiff has incurred medical expenses and is likely to incur future medical expenses due to the severity of her injuries caused by the Defendant's negligence.

19. As a result of Defendant's negligence, Plaintiff was injured and brings this suit for the following damages:

- a. Past and future medical expenses;
- b. Past and future physical pain and mental anguish;
- c. Past and future physical impairment;
- d. Past and future lost wages and earning capacity;
- e. Punitive damages.

REQUEST FOR DISCLOSURE

20. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose and/or produce the information and materials described in Rule 194.2 within fifty days (50) of the service of this request.

DEMAND FOR JURY TRIAL

21. Plaintiff demands a trial by jury on all claims.

PRAYER

Plaintiff prays that Defendant be cited to appear herein and, after a trial on the merits, that the Court enter judgment awarding Plaintiff actual damages and additional damages as allowed by law, exemplary damages, costs of court, pre- and post-judgment interest to the maximum extent as allowed by law, and all such other and further relief, both general and special, at equity and at law, to which Plaintiff may be justly entitled.

Respectfully submitted,

ARMSTRONG LEE SAVAGE LLP

By: /s/ J. Josh Collum

J. Joshua Collum

State Bar No. 24087329

Joshua D. Lee

State Bar No. 24100139

2900 North Loop West, Ste. 830

Houston, Texas 77092

Telephone: (832) 709-1124

Facsimile: (832) 709-1125

jcolum@armstrongleesavage.com

lee@armstrongleesavage.com

Attorneys for Plaintiff